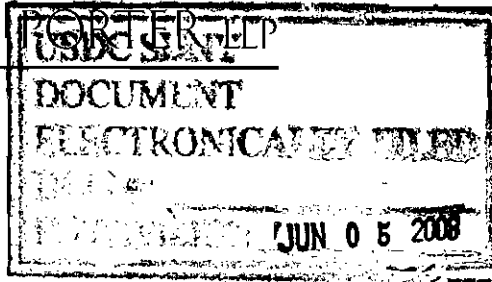


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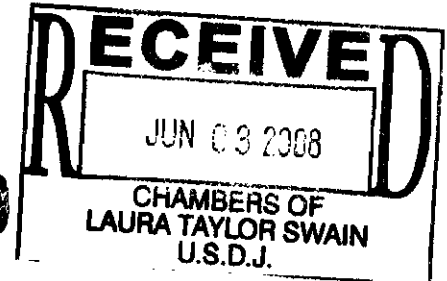
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May 29, 2008

The Honorable Laura Taylor Swain
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED



Re: UniCredito Italiano and Bank Pekao, SA v. J.P. Morgan Chase Bank, et al., 02 Civ. 5328 (LTS) (JCF); DK Acquisition Partners, L.P. et al. v. JPMorgan Chase & Co., et al., 08 Civ. 0446 (LTS) (JCF); Avenue Capital Management II, L.P., et al. v. JPMorgan Chase & Co., et al., 08 Civ. 0447 (LTS) (JCF)

Dear Judge Swain:

As attorneys for the UniCredito plaintiffs, we write in regard to the pending motion for partial summary judgment brought by all three sets of plaintiffs in the above actions. As Your Honor may recall, this motion was fully briefed when these actions were pending in the Southern District of Texas. Because that court has no rule equivalent to our Local Rule 56.1, neither the plaintiffs nor the defendants filed statements of material facts, as would have been required by Local Rule 56.1.

Counsel for the plaintiffs and the defendants have conferred among themselves and believe that the factual record on which the motion is based is readily ascertainable from the affidavits and exhibits submitted by the plaintiffs in support of the motion and the defendants in opposition. If, however, the Court believes it would be useful for the parties to submit statements pursuant to Local Rule 56.1, counsel are pleased to do so. We would appreciate Your Honor's advising us if you would like such statements, in which event the parties will prepare and submit for approval a proposed schedule for service and filing.

Respectfully,

Charles G. Berry

cc: David J. Woll, Esq.
Michael E. Gertzman, Esq.
David A. Barrett, Esq.
James B. Heaton, III, Esq.
Robert A. Goodman

The Court requests that the parties propose a schedule for the service and filing of Rule 56.1 statements.

SO ORDERED.

6/4/08
LAURA TAYLOR SWAIN